UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

V.

JOSE PESANTE,

WAIVER OF INDICTMENT

08 Cr.

Defendant.

CO STATE

145

The above-named defendant, who is accused of violating Title 18, United States Code, Section 1344, being advised of the nature of the charge and of his rights, hereby waives, in open Court, prosecution by indictment and consents that the proceeding may be by information instead of by indictment.

ALLY FILED

F.J. + D.O.

Counsel for Defendant

Date:

New York, New York February 15, 2008